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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,965	04/26/1999	Clayton A. George	54570US 002	3907

32692 7590 09/17/2003

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EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 09/17/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/299,965

Applicant(s)

GEORGE ET AL.

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-14 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-14 and 16-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-3, 7, 9, 10, 19, 20, 22, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Frauenglass et al for the same reasons as presented in paper no. 17, paragraph 2.

Regarding the limitation that the “curable mechanical fastener” included a “fastening surface at least partially fabricated from a curable material”, the applicant is advised that the article of Frauenglass et al suggested that one skilled in the art would have coated the threads of the fastener with the disclosed composition and preapplied the same. Such preapplicaiton would have provided a surface coating on the parts, see column 6, lines 59-70, for example. Clearly, the fastener products of Frauenglass included a surface coating of the specified curable polymer which was preapplied to the threads of the fastener and as such the fastener was a curable fastener which included a fastening surface at least partially fabricated from a curable material.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 7, 9, 10, 13, 16, and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Frauenglass et al or alternatively Frauenglass et al in view of Cohen for the same reasons as presented in paper no. 17, paragraph 4.

As expressed in paper no. 17, the reference to Frauenglass suggested that those skilled in the art would have preapplied the adhesive upon the fastener component and likewise would

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have dried the same in order to provide a coating upon the surface of the fastener. Clearly, such would have provided a surface of the fastener with a curable material thereon. Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a different configuration of a fastener in Frauenglass et al such as the known fasteners Cohen.

5. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 4 further taken with any one of Alexander et al, Bachman et al, or Pearce, Jr. for the same reasons as expressed in paper no. 17, paragraph 5.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 4 further taken with either the Modern Plastics Encyclopedia 1983-84 or the admitted prior art for the same reasons as expressed in paper no. 17, paragraph 6.

7. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 4 further taken with Melbye et al for the same reasons as expressed in paper no. 17, paragraph 7.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 4 further taken with Lu et al or Appeldorn for the same reasons as expressed in paper no. 17, paragraph 8.

9. Claims 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 5 further taken with Crivello et al for the same reasons as expressed in paragraph 9 of paper no 17.

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Response to Arguments

10. Applicant's arguments filed 8-4-03 have been fully considered but they are not persuasive.

The applicant argues that the fastener was manufactured from the specified curable resin material. However, the claims at hand: (1) relate to an article of manufacture and the process of making the fastener components themselves; (2) recite that the "curable mechanical fastener" comprises a "fastening surface at least partially fabricated from a curable material". the applicant is advised that as such the arguments are not commensurate in scope with the claimed subject matter. The claims recite that only a portion of the surface of the fastener be formed from a curable material. the claim does not state that the fastener itself was formed from only curable material as argued. While it is agreed that Frauenglass taught that the fastener was provided with a coating of the blend of the thermoplastic adhesive and the curable resin, the reference suggested that this coating was preapplied upon the fastener and the solvent removed by heating to provide a coating of the material upon the surface of the fastener. As such the reference to Frauenglass suggested that those skilled in the art would have provided a mechanical fastener with an adhesive coating preapplied upon the surface of the fastener. As such, Frauenglass clearly taught a mechanical fastener which included a fastening surface at least partially fabricated from a curable material.

The applicant is further advised that the fastener of their own invention need not be formed completely of the curable material but rather need only have an external layer of the curable material disposed thereon as discussed in the specification at page 11, line 8-24. clearly, reading the claims in light of the specification and with a further examination of Frauenglass one

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skilled in the art would have understood that the preapplied coatings of the binder upon the mechanical fasteners would have yielded the claimed product. the applicant's arguments regarding the reference to Frauenglass have not been found to be persuasive.

It should additionally be noted that the reference to Cohen also did provide a coating of the adhesive upon the mechanical fastener. The applicant is advised that the claims at hand do not distinguish from the same in that they only require that one provide a product having a surface layer of the curable material. the reference to Cohen by virtue of the coating, provided a mechanical fastener with a curable surface layer thereon which was on the surface of the fastener. It should be noted that the mechanical fastener of the claims has a "fastener surface" which was curable and not a fastener which was curable and only formed from the curable material. as such the claims at hand do not exclude the use of a coating of a material on the surface of the fastener for providing a mechanical fastener with a fastening surface having a curable material at least partially thereon.

The article and the method of using the article are suggested by the combination of references to either Frauenglass alone or Cohen and Frauenglass. The claims at hand are not commensurate in scope with the arguments and one skilled in the art would have been motivated to employ the adhesive composition of Frauenglass in Cohen for the reasons previously presented. The applicant did not expressly address the other references applied other than to state that they did not cure the deficiencies of the other references. However, as expressed above no such deficiencies exist. As such the additional references are applied again for the same reasons as previously presented.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Thurber et al suggested a fastener with an adhesive coating preapplied thereto. The reference to Erb and Donaruma suggested that those skilled in the art would have formed a hook and loop fastener with a curable resin as part of the fastener component.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

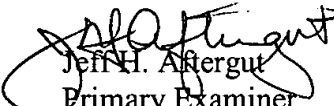
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 703-308-2069. The examiner can normally be reached on Monday-Friday 6:30-3:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
September 9, 2003